

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

CLINTON SCOTT MCNEIL

PETITIONER

V.

CIVIL ACTION NO. 3:19-CV-13-DPJ-FKB

VICTOR MASON

RESPONDENT

ORDER

This action pursuant to 28 U.S.C. §2241 is before the Court on the Report and Recommendation [12] of Magistrate Judge F. Keith Ball.

On January 7, 2019, during pretrial detention, Petitioner Clinton Scott McNeil alleged a constitutional speedy trial violation, denial of the right to effective assistance of counsel, denial of his constitutional due process rights, and that his pretrial detainment was illegal. Pet. [1] at 7–9. On April 19, 2019, Respondent Victor Mason filed a motion to dismiss [11], but McNeil never responded. Judge Ball recommended granting Mason’s motion to dismiss, concluding that (1) “§ 2241 is not available where, as in the present case, the petitioner seeks only dismissal of state charges and release based upon a violation of the right to a speedy trial”; (2) McNeil failed to exhaust his state-court remedies as to the speedy-trial claim; and (3) McNeil has been released on a personal recognizance bond so his request for immediate release is moot. R&R [12] at 1–2. McNeil did not file an objection to the R&R, and the time to do so has passed.

The Court finds the Report and Recommendation [12] should be adopted as the opinion of the Court; the petition is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 24th day of February, 2020.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE